

# ***Milwaukee County Personnel Review Board***

## ***Meeting Minutes – February 4, 2014***

### **I. Roll Call**

Board President Susan A. Lueger called to order the regular meeting of the Personnel Review Board at 9:00 AM on Tuesday, February 4, 2014 in Room 201-B of the Milwaukee County Courthouse.

The following Board Members were present: Ms. Susan A. Lueger, Ms. Jacqueline V. Russell, Ms. Melissa D. Hudson, and Ms. Mary K. Bruno.

### **II. Approval of Minutes**

Ms. Hudson moved, Ms. Russell seconded and the Board, by vote of 4-0, approved the minutes of the January 21, 2014 meeting.

### **III. Communications and/or comments from the public, if any**

The Board heard the request of Attorney Molly Zillig, Principal Assistant Corporation Counsel that the appointing authority for Charles Holt withdrew the charges for the 15-day suspension that was filed on June 1, 2012 (IA # 12-116) and the 20-day suspension that was filed on October 11, 2012 (IA # 12-107). Ms. Russell moved, Ms. Hudson seconded, and the Board, by unanimous vote (4-0) accepted the appointing authority's withdrawal of the 15-day and 20-day suspensions of Charles Holt and closed the case.

The Board heard the request of Attorney Molly Zillig, Principal Assistant Corporation Counsel that the discharge matter of Lucas Fergot dated August 2, 2013 (HOC IA # 13-055) be moved to the call of the chair until his criminal matter has been resolved. Dave Eisner, from District Council 48, AFSCME, concurred. Ms. Hudson moved, Ms. Russell seconded, and the Board, by unanimous vote (4-0) moved the discharge matter of Lukas Fergot to the call of the chair.

### **IV. Correspondence**

The Board heard the report of Robert Tuszynski, Interim Executive Secretary for the office of the Personnel Review Board, that the office received written correspondence that Katherine Estrada (discharge dated October 17, 2013 for IA # 13-207) had resigned effective December 10, 2013. Ms. Russell moved, Ms. Hudson seconded, and the Board, by unanimous vote (4-0) accepted the resignation of Katherine Estrada, and closed the case.

## **V. First Appearances**

### **A. DISCHARGES**

#### **KEONA GARTH-DICKENS, Corrections Captain, SHERIFF**

##### **DIS 2-4045 dated 01/15/14 – IA # 13-312**

The Board heard the report of Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel, that Keona Garth-Dickens, who was not present, waived her rights to a hearing within 21 days, and was seeking a hearing certain date. Ms. Hudson moved, Ms. Russell seconded, and the Board, by unanimous vote (4-0), scheduled the matter of Keona Garth-Dickens for hearing certain on July 8, 2014.

#### **ROBERT SADOWSKI, Corrections Lieutenant, HOC**

##### **DIS 2-4054 dated 01/20/14 – IA # 13-107**

The Board heard the report of Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel, that Robert Sadowski, who was not present, waived his rights to a hearing within 21 days, and was seeking a hearing certain date. Ms. Russell moved, Ms. Hudson seconded, and the Board, by unanimous vote (4-0), scheduled the matter of Robert Sadowski for hearing certain on July 8, 2014.

#### **KEVIN J. OLSON, Administrative Assistant, SHERIFF**

##### **DIS 2-4046 dated 01/15/14 for IA # 13-293**

##### **DIS 2-4047 dated 01/15/14 for IA # 13-321**

The Board heard the report of Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel, that Kevin J. Olson had tendered his resignation effective January 17, 2014. Ms. Russell moved, Ms. Hudson seconded, and the Board, by unanimous vote (4-0), accepted the resignation of Kevin J. Olson and closed these cases.

#### **PAULA J. WILLIAMS, Office Support Assistant 2, CHILD SUPPORT**

##### **DIS 2-4049 dated 01/16/14**

The Board heard the report of Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel, that Paula J. Williams who was present, waived her rights to a hearing within 21 days, and was seeking a hearing certain date. Ms. Hudson moved, Ms. Russell seconded, and the Board, by unanimous vote (4-0), scheduled the matter of Paula J. Williams for hearing certain on March 4, 2014.

### **B. SUSPENSIONS**

#### **FRED D. WILLIAMS, Corrections Officer 1, SHERIFF**

##### **DIS 1-4048 dated 01/16/14 – IA # 13-328 for 6 days**

The Board heard the report of Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel, that Fred D. Williams, who was not present, waived his rights to a hearing within 21 days, and was seeking a hearing certain date. Ms. Hudson moved, Ms. Russell seconded, and the Board, by unanimous vote (4-0), scheduled the matter of Fred D. Williams for hearing certain on July 22, 2014.

**TENEAKA MURRAY, Correction Officer 1, SHERIFF**

**SUS 1-4051 dated 01/16/14 – IA # 13-336 for 7 days**

The Board heard the report of Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel, that Teneaka Murray, who was not present, waived her rights to a hearing within 21 days, and was seeking a hearing certain date. Dave Eisner,

*(Teneaka Murry Case # 1-4051 continued)*

District Council 48, AFSCME, concurred. Ms. Hudson moved, Ms. Russell seconded, and the Board, by unanimous vote (4-0), scheduled the matter of Teneaka Murray for hearing certain on July 22, 2014.

**ZAMBIA L. BROWN, Correction Officer 1, SHERIFF**

**SUS 1-4050 dated 01/16/14 for IA # 13-308 for 4 days**

The Board heard the report of Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel, that Zambia L. Brown, who was not present, waived her rights to a hearing within 21 days, and was seeking a hearing certain date. Ms. Bruno moved, Ms. Russell seconded, and the Board, by unanimous vote (4-0), scheduled the matter of Zambia L. Brown for hearing certain on July 22, 2014.

**BRIAN STADLER, Correction Officer 1, SHERIFF**

**SUS 1-4053 dated 01/16/14 for IA # 13-308 for 5 days**

The Board heard the report of Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel, that Brian Stadler, who was not present, waived his rights to a hearing within 21 days, and was seeking a hearing certain date. Ms. Bruno moved, Ms. Russell seconded, and the Board, by unanimous vote (4-0), scheduled the matter of Brian Stadler for hearing certain on July 22, 2014.

**DANIEL BRUMFIELD, Correction Officer 1, SHERIFF**

**SUS 1-4052 dated 01/16/14 for IA # 13-345 for 1 day**

The Board heard the report of Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel, that Daniel Brumfield, who was not present, waived his rights to an initial hearing and provided written acceptance of his suspension effective January 29, 2014. Ms. Russell moved, Ms. Hudson seconded, and the Board, by unanimous vote (4-0), sustained the acceptance of suspension by Daniel Brumfield and closed this case.

**BRITTNEY ROGERS, Child Support Assistant, CHILD SUPPORT**

**SUS 1-4055 dated 01/27/14 for 5 days**

The Board heard the report of Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel, that Brittney Rogers, represented by Dave Eisner, from District Council 48, AFSCME, concurred that Brittany Rogers waived her rights to an initial hearing, and accepted her suspension effective January 29, 2014. Ms. Russell moved, Ms. Hudson seconded, and the Board, by unanimous vote (4-0), sustained the acceptance of suspension by Brittney Rogers and closed this case.

## **VI. Update**

### **A. DISCHARGE**

#### **KEVIN G. WHEELER, Deputy Sheriff, SHERIFF**

##### **DIS 2-3845 dated 11/09/12 for IA # 11-369**

The Board heard the report of Roy Felber, President for the Deputy Sheriff's Association, to continue the matter for an update report on March 18, 2014. Attorney Paul Kuglitsch, Principal Assistant Corporation counsel, legal counsel for the appointing authority, had no objections. Ms. Bruno moved, Ms. Russell seconded, and the Board, by unanimous vote (4-0), continued the matter of Kevin G. Wheeler for an update report on March 18, 2014.

#### **MARSHA SPELLS, Correction Officer 1, SHERIFF**

##### **DIS 2-3586 dated 06/22/11 for IA # 11-190**

The Board heard the report of Attorney Paul Kuglitsch, Principal Assistant Corporation counsel, legal counsel for the appointing authority that a written settlement agreement had been agreed upon by both the appointing authority and Marsha Spells and approved by the Administrative Committee of the County Board on September 26, 2013. Ms. Russell moved, Ms. Hudson seconded, and the Board, by unanimous vote (4-0), accepted the settlement agreement of Marsha Spells and closed this case.

### **B. GRIEVANCE**

#### **ALONZO CHAPMAN, Assistant Fire Chief, DTPW-Airport**

##### **GRI 4-4044 dated 05/31/13**

The Board heard arguments from Attorney Ray Dall'osto and Attorney Paul Kuglitsch regarding the grievance appeal of Alonzo Chapman. *At 9:27 AM Ms. Bruno moved and Ms. Hudson seconded, and the Board went into closed session to deliberate whether there was jurisdiction to hear the matter. At 9:46 AM, Ms. Bruno moved, Ms. Russell seconded, and the Board moved to come out of closed session.* Ms. Bruno moved, Ms. Hudson seconded, and the Board voted (4-0) that pursuant to Wisconsin State Statute 63.10(1), the Board has no jurisdiction to hear the grievance matter of Alonzo Chapman and closed this case.

#### **CAROL BECK, Psych Social Worker, BHD**

##### **GRI 4-3831 dated 11/05/12**

The Board heard the request from Attorney Craig Johnson on behalf of Attorney Mark Sweet to be provided with additional information to provide a written response by February 17, 2014 for oral arguments on February 18, 2014. Attorney Paul Kuglitsch had no objections. Ms. Bruno moved, Ms. Russell seconded, and the Board voted (4-0) to receive written response from Attorney Sweet by February 17, 2014 and schedule the matter for oral arguments on February 18, 2014.

## **VII. Hearings**

### **A. GRIEVANCE**

#### **JOHN SPRAGUE, Airport Maintenance Worker, DOT-Airport GRI 4-3908 dated 03/15/13**

The Board heard testimony from Attorney Craig Johnson and Attorney James Carroll. Ms. Russell moved, Ms. Hudson seconded, and the Board, by vote of 4-0, accepted the exhibits 1 – 13 presented by both parties.

Board President Ms. Lueger set a briefing schedule for Attorney Craig Johnson and Attorney James Carroll.

- Attorney Johnson will provide a brief to the Board on March 4, 2014.
- Attorney Carroll will provide a responsive brief to the Board on April 1, 2014.
- Briefs are to be filed with Robert Tuszynski, Interim Executive Secretary, for further forwarding to the Personnel Review Board.

Ms. Bruno moved, Ms. Russell seconded, and the Board, by vote of 4-0, to accept the briefing schedule and continuation of the hearing on April 29, 2014.

### **B. DISCHARGE AND SUSPENSION**

#### **SCOTT DUCHARME, Deputy Sheriff 1, SHERIFF SUS dated 01/24/13 for IA # 12-375 for 10 days**

The Board heard the report of Attorney Graham P. Wiemer, of MacGillis, Wiemer LLC, that Scott DuCharme has accepted the 10-day suspension (dated 01/24/13 for IA # 12-375). Ms. Russell moved, Ms. Hudson seconded, and the Board, by vote, (4-0) moved to accept the suspension of Scott DuCharme.

**DIS dated 08/08/13 for IA # 13-167**

(Refer to Agenda item VII E)

### **C. DISCHARGES**

#### **MARLO KNOX, Human Resources Manager, DHR DIS 2-3997 dated 10/01/13**

The Board heard the report of Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel, that if the case could not be heard February 4, 2014 that it is rescheduled to February 18, 2014. Attorney Michael Gansner concurred.

#### **RICKY McCOY, Stores Clerk 3, ZOO DIS 2-3963 dated 06/12/13**

The Board heard the report of Attorney Molly Zillig, Principal Assistant Corporation Counsel to lay the matter over one cycle to determine a date for hearing. Attorney Craig Johnson concurred. Ms. Bruno moved, Ms. Russell seconded, and the Board, by unanimous vote (4-0), to schedule the Ricky McCoy matter for an update to determine hearing certain on Tuesday, February 18, 2014.

**ARETHA JOHNSON, Correction Officer 1, HOC**  
**DIS dated 2-3969 dated 07/19/13 for IA # 13-017**  
**DIS dated 2-3970 dated 07/19/13 for IA # 13-027**

The Board heard the report of Attorney Paul Kuglitsch, Principal Assistant Corporation Counsel that Aretha Johnson had tendered her resignation effective January 27, 2014. Ms. Bruno moved, Ms. Russell seconded, and the Board, by unanimous vote (4-0), accepted the resignation of Aretha Johnson and closed the cases.

#### **D.     SUSPENSIONS**

**ALLEN BULTMAN, Deputy Sheriff 1, SHERIFF**  
**SUS 1-3744 dated 06/01/12 for IA # 12-057 for 20 days**

The Board heard the report of Attorney Molly Zillig, Principal Assistant Corporation Counsel to lay the matter over one cycle to determine a date for hearing. Attorney Graham Wiemer concurred. Ms. Bruno moved, Ms. Russell seconded, and the Board, by unanimous vote (4-0), to schedule the Allen Bultman matter for an update to determine hearing certain date on Tuesday, February 18, 2014.

**DEBBIE O. MORGAN, Deputy Sheriff 1, SHERIFF**  
**SUS 1-3858 dated 12/19/12 for IA # 12-158 for 60 days**

The Board heard the report of Attorney Molly Zillig, Principal Assistant Corporation Counsel to lay the matter over one cycle to determine a date for hearing. Roy Felber, President, Sheriff's Association, concurred. Ms. Bruno moved, Ms. Russell seconded, and the Board, by unanimous vote (4-0), to schedule the Debbie O. Morgan matter for an update to determine hearing certain date on Tuesday, February 18, 2014.

**WILLIE P. WATKINS, Deputy Sheriff 1, SHERIFF**  
**SUS 1-3859 dated 12/19/12 for IA # 12-158 for 60 days**

The Board heard the report of Attorney Molly Zillig, Principal Assistant Corporation Counsel to lay the matter over one cycle to determine a date for hearing. Ms. Bruno moved, Ms. Russell seconded, and the Board, by unanimous vote (4-0), to schedule the Willie P. Watkins matter for an update to determine hearing certain on Tuesday, February 18, 2014.

#### **E.     HEARING**

**SCOTT DUCHARME, Deputy Sheriff 1, SHERIFF**  
**DIS dated 08/08/13 for IA # 13-167**

The Board heard the Scott DuCharme discharge matter. *Although not formally announced, Ms. Bruno was excused and left before the testimony was complete. She did not vote nor participate in the discussion or closed session. A quorum of Board members still existed. At 4:45 p.m. Ms. Russell moved, Ms. Hudson seconded, and the Board voted (3-0) to go into closed session to deliberate the Scott DuCharme discharge matter. After deliberating in closed session, the Board reconvened in open session.*

Ms. Hudson moved, Ms. Russell seconded, and the Board voted unanimously (3-0) that the evidence was sufficient that Mr. DuCharme (IA #13-167) violated Civil Service Rule VII, Section 4(1), paragraph (l) and (k) Milwaukee County Sheriff's Office Rules 202.00, 202.03, 202.06, 202.17, 202.19 and 202.36, and upheld he discharge.

### **VIII. Adjournment**

Ms. Russell moved, Ms. Hudson seconded, and the Board, by vote of 3-0, adjourned the meeting at 5:10 PM.

Minutes submitted by: Robert J. Tuszynski Executive Secretary